UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,324	01/22/2001	Alain S. Rossmann	3399P038	9361

			EXAMINER
26529	7590	08/07/2006	SAIN, GAUTAM

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ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/767,324	ROSSMANN ET AL.
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-18 and 20-47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-18 and 20-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1)   This is Final rejection in response to Remarks filed on 5/15/2006.

2)   Claims 12-18 and 20-47 are pending.

3)   Effective filing date is 1/22/2001.

4)   Applicant amended claims 20, 26 and 33 to correct the dependency structure of

the claims. No new matter is added.

Claim Rejections - 35 USC § 103

5)   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5-1)   Claims 12-18, 20, 22-31 and 33-47 are rejected under 35 U.S.C. 103(a) as

being unpatentable over <u>Etesse</u> et al (USPGPUB 2004/0030781 A1, CIP of

application No. 09/608,208, filed on Jun 30, 2000), in view of <u>Angles</u> et al (US

6385592, filed Jun 1999).

Regarding claim 12, Etesse teaches "receiving a web page ... data types" (ie.,

user accesses course web page with hyperlinks and buttons to various content areas;

cover page drawing, item 120)(paragraph 36).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para

149; fig 7, item 900).

Etesse teaches " extracting data ... data elements" (ie., list of courses once selected by user will be automatically linked to a web page associated with that course, for which data is extracted from the database to display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches "receiving a selection ... operations" (ie., upon user selection of a course the web page the courses are listed according to a category, thus the browser receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches "outputting ... related operations" (ie., browser lists the courses)(para 147, fig 6, item 600).

Etesse teaches "processing ... related operations" (ie., course list ... user will be automatically linked to a web page associated ...)(para 147).

Etesse does not expressly teach, but Angles teaches automatically *classifying a data element in the web page as being of a known data type; automatically determining a related operation that can be performed in relation to the data element, based on the data type of which the data element has been classified*. For example, Angles discloses an advertiser providing generating a custom advertisement based on the consumer's profile, where the advertisement provider's computer stores demographic information about consumers and send customized advertisements to the consumer based on the consumer's demographic profile and tracks consumer responses to the customized advertisements. For example, when a consumer with a demographic profile indicates an interest in farming, they would be sent customized advertisements for farm products

by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the

data type to be the <u>interest</u>, where interest contains the value of 'farming'.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ettesse to include generating a custom advertisement based on the

consumer's profile, where the advertisement provider's computer stores demographic

information about consumers and send customized advertisements to the consumer

based on the consumer's demographic profile and tracks consumer responses to the

customized advertisements and displaying future advertisements customized based on

a user profile/usage history record as taught by Angles, providing the benefit of an on-

line advertising service which can custom tailor specific advertisements to particular

consumers and track consumer response to the advertisement (Angles, col 2, lines 49-

53).

Regarding claim 13, Etesse teaches "processor, " " storage facility ..." (ie.,

processor; memory)(page 22, claim 13).

Etesse teaches "receiving a web page ...data types" (ie., user accesses course

web page with hyperlinks and buttons to various content areas; cover page drawing,

item 120)(paragraph 36).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para

149; fig 7, item 900).

Etesse does not expressly teach, but Angles teaches automatically *classifying a*

data element in the web page as being of a known data type; automatically determining

a related operation that can be performed in relation to the data element, based on the

data type of which the data element has been classified. For example, Angles discloses an advertiser providing generating a custom advertisement based on the consumer's profile, where the advertisement provider's computer stores demographic information about consumers and send customized advertisements to the consumer based on the consumer's demographic profile and tracks consumer responses to the customized advertisements. For example, when a consumer with a demographic profile indicates an interest in farming, they would be sent customized advertisements for farm products by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the data type to be the <u>interest</u>, where interest contains the value of 'farming'.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettesse to include generating a custom advertisement based on the consumer's profile, where the advertisement provider's computer stores demographic information about consumers and send customized advertisements to the consumer based on the consumer's demographic profile and tracks consumer responses to the customized advertisements and displaying future advertisements customized based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

Regarding claim 14, Etesse teaches "user terminal ... determine ... data elements" (ie., course content – lists everything related to a course)(fig 1A, item 70 is a user terminal; para 149, 150; fig 7, 9 item 900; drawing on cover page, items 120, 130).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Regarding claim 15, Etesse teaches "... processor ... via a network" (ie, Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 16, Etesse teaches " ... an Internet, ... LAN, ... WAN" (ie., Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 17, Etesse teaches " ... computer, website, and a server" (ie., computer, web browser, server)(para 31-34, figure 1A, item 100; drawing on cover page shows web browsers).

Regarding claims 18 and 30, Etesse teaches "receiving a web page ... data types" (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches "classifying ... elements" (ie., course listed according to category)(para 147).

Etesse teaches "determining ... data elements" (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Etesse does not expressly teach, but Angles teaches automatically *classifying a data element in the web page as being of a known data type; automatically determining a related operation that can be performed in relation to the data element, based on the data type of which the data element has been classified.* For example, Angles discloses

an advertiser providing generating a custom advertisement based on the consumer's

profile, where the advertisement provider's computer stores demographic information

about consumers and send customized advertisements to the consumer based on the

consumer's demographic profile and tracks consumer responses to the customized

advertisements. For example, when a consumer with a demographic profile indicates

an interest in farming, they would be sent customized advertisements for farm products

by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the

data type to be the interest, where interest contains the value of 'farming'.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ettesse to include displaying future advertisements customized

based on a user profile/usage history record as taught by Angles, providing the benefit

of an on-line advertising service which can custom tailor specific advertisements to

particular consumers and track consumer response to the advertisement (Angles, col 2,

lines 49-53).

Regarding claims 20 and 31, Etesse teaches "... promoting ... related

operations" (ie., displays course information in a separate window)(para 149; fig 7, item

900).

Regarding claims 22, 33 and 40, Etesse teaches "selecting ... preference" (ie.,

user can select from the course catalog according to their preference)(para 164; fig 6, 7,

item 612; fig 14, item 1400).

Regarding claims 23, 34 and 41, Etesse teaches "... user profile" (ie., 'change

your information' – user can set preferences)(para 164, fig 14, item 1404).

Regarding claims 24, 35 and 42, Etesse teaches "... service provider

preference" (ie., preferences set by system administrator for a large group

serviced...)(para 142).

Regarding claims 25, 36 and 43, Etesse teaches "... financial ..." (enrollment

fee waived in lieu of advertising while viewing)(para 9).

Regarding claims 26, 37 and 44, Etesse teaches " extracting data ... data

elements" (ie., list of courses once selected by user will be automatically linked to a web

page associated with that course, for which data is extracted from the database to

display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches "receiving a selection ... operations" (ie., upon user selection of a

course the web page the courses are listed according to a category, thus the browser

receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches "outputting ... related operations" (ie., browser lists the

courses)(para 147, fig 6, item 600).

Etesse teaches "processing ... related operations" (ie., course list ... user will be

automatically linked to a web page associated ...)(para 147).

Regarding claims 27, 45 and 47, Etesse teaches "... user terminal" (ie., student

user)(fig 1A, item 70).

Regarding claims 28 and 46, Etesse teaches "... server" (ie., system

server)(fig 1A, tem 100).

Regarding claim 29, Etesse teaches "Etesse teaches "... server and a user

terminal" (ie., combination connected via Internet of user and server)(fig 1A, item 50-70,

100).

Regarding claim 38, Etesse teaches processing a web page (ie., user accesses

course web page with hyperlinks and buttons to various content areas; cover page

drawing, item 120)(paragraph 36).

Etesse does not expressly teach, but Angles teaches automatically *classifying a*

data element in the web page as being of a known data type; automatically determining

a related operation that can be performed in relation to the data element, based on the

data type of which the data element has been classified. For example, Angles discloses

an advertiser providing generating a custom advertisement based on the consumer's

profile, where the advertisement provider's computer stores demographic information

about consumers and send customized advertisements to the consumer based on the

consumer's demographic profile and tracks consumer responses to the customized

advertisements. For example, when a consumer with a demographic profile indicates

an interest in farming, they would be sent customized advertisements for farm products

by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the

data type to be the interest, where interest contains the value of 'farming'.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ettesse to include generating a custom advertisement based on the

consumer's profile, where the advertisement provider's computer stores demographic

information about consumers and send customized advertisements to the consumer

based on the consumer's demographic profile and tracks consumer responses to the

customized advertisements and displaying future advertisements customized based on

a user profile/usage history record as taught by Angles, providing the benefit of an on-

line advertising service which can custom tailor specific advertisements to particular

consumers and track consumer response to the advertisement (Angles, col 2, lines 49-

53).

Regarding Claim 39, Etesse does not expressly teach, but Angles suggests

causing ... to the user (ie., and advertisement insert relates to the customized

advertisement based on the user profile)(col 13, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ettesse to include displaying advertisement insert based on a user

profile/usage history record as taught by Angles, providing the benefit of an on-line

advertising service which can custom tailor specific advertisements to particular

consumers and track consumer response to the advertisement (Angles, col 2, lines 49-

53).

5-2)   Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Etesse et al (as cited above), in view of QuickClick (1/5/01, as provided by

applicant in the IDS).

Regarding claims 21 and 32, Etesse does not teach specifically, but QuickClick

specifically teaches "selecting ... operations" (ie., "alt-clicking" to select a word)(page

labeled "How it Acts").

Etesse does not specifically teach, but QuickClick specifically teaches "displaying the selected ... mode" (ie., window pops up with a list of categorized links)(page labeled "What it delivers").

Etesse does not specifically teach, but QuickClick specifically teaches "displaying ... second mode" (ie., the unselected words remain in the background browser in another window)(page labeled "What it delivers" shows QuickClick displaying with "NBCi").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etesse to include a selection means that pops up in another window based on the selection and show the unselected words in the background as taught by QuickClick, providing the benefit of allowing users to pick the type of information they want and quickly getting to it (QuickClick, page labeled "How it acts") and displaying user-specified locale information in frames (Etesse, Abstract).

Response to Arguments

Applicant's arguments filed 5/15/2006 have been fully considered but they are not persuasive.

Applicant argues that the references Ettesse and Angles do not teach the limitations of independent claim 38, **automatically classifying a data element in the web page as being of a known data type; automatically determining a related operation that can be performed in relation to the data element, based on the data type of which the data element has been classified** (see Remarks, page 10, bottom – page 12, top).   The Examiner disagrees because Angles discloses an advertiser

providing generating a custom advertisement based on the consumer's profile, where

the advertisement provider's computer stores demographic information about

consumers and send customized advertisements to the consumer based on the

consumer's demographic profile and tracks consumer responses to the customized

advertisements. For example, when a consumer with a demographic profile indicates

an interest in farming, they would be sent customized advertisements for farm products

by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the

data type to be the interest, where interest contains the value of 'farming'. The

examiner characterizes the claimed data type as a customized data type defined by a

user for classifying one of more of the data blocks (ie., person, origin, destination, dates,

hotels, place, time, address, phone number)(see specification page 18-19 for

descriptions of examples of custom data types). Accordingly, Angles' data type of

interest is an example of the claimed data type (of claim 38), where if the activity of

farming is classified as the data type of user's interest. Once Angles classifies that the

user's interest is farming, it generates customized advertisements for farm products for

the user, which is based on the interest data type (col 3, lines 15-20). This is similar to

the example in applicant's specification on page 19, where the data type is "destination"

and based on the destination, related operations such as the weather can be looked up

for that destination and provided to the user. In another similar example disclosed in

the specification on page 22, the operator uses a travel web page to book an airline

ticket (ie., inherently providing a destination, which is the data type) and a hotel. So, the

hotel booking related operation is promoted to the user by advertising to the user the

hotel options related to the data type of destination.

Additionally, Angles further disclose where the advertisement provider uses the

consumer member code to identify the consumer's demographic profile and

preferences. The advertisement provider then selects an appropriate advertisement

based on the consumer's profile and sends the customized advertisement to the

consumer computer (Angles, col 3, lines 55-67). In this case, the data type is the

member code because based on the member code, the custom ad is displayed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gautam Sain whose telephone number is 571-272-

4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GS

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